

TIGARD MUNICIPAL CODE

Chapter 1.16 CIVIL INFRACTIONS.

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1.16.010 Title For Provisions.

The ordinance codified in this chapter shall be known as the "civil infractions ordinance," and may also be referred to herein as "this chapter." (Ord. 86-20 §1(Exhibit A(1)), 1986).

1.16.020 Establishment And Purpose.

1. The purpose of this chapter is to establish civil procedures for the enforcement of certain provisions of the Tigard Municipal Code (TMC).

2. The civil infraction procedures established herein are for the purpose of decriminalizing penalties for infractions of certain

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civil ordinances and for the purpose of providing a convenient and practical forum for the hearing and determination of cases arising out of such infractions. The civil infractions procedure is intended to be used for all violations of the TMC other than certain violations of Title 7 and Title 10.

3. The civil infractions abatement procedures established herein are for the purpose of authorizing the City to proceed to abate such infractions if it is determined that the infraction presents an immediate danger to the public health, safety or welfare.

4. This chapter is adopted pursuant to the home rule powers granted the City of Tigard by Article IV, Section 1, and Article XI, Section 2, of the Oregon Constitution; Oregon Revised Statutes 30.315, and Sections 4 and 21 of the Charter of the City of Tigard. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(2)), 1986).

1.16.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

1. "Civil Infractions Hearings Officer" means the Municipal Judge or the individual appointed by the Municipal Judge with the delegated authority to preside over the code enforcement hearings and to perform the related functions as specified by this chapter.

2. "Code Enforcement Officer" means the individual or individuals appointed or designated by the Director of Community Development or the City Manager to enforce the provisions of this chapter. For enforcement of Chapters 10.16 through 10.32, Section 7.40.125, and Chapter 7.60, "Code Enforcement Officer" also includes Community Service Officers of the police department.

3. "Respondent" means a person charged with a civil infraction.

4. "Voluntary compliance agreement" means an agreement, whether written or verbal, between the Code Enforcement Officer and the respondent, which is intended to resolve the alleged civil infraction.

5. "Violation" means failure to comply with a requirement imposed directly or indirectly by this code. "Violation" may also mean civil infraction, except as used in those portions of Chapter 7 and of Chapter 10 that do not use the civil infraction procedure.

6. "Civil Infraction" shall mean the failure to comply with a code provision other than certain provisions of Chapter 7 and Chapter 10 and shall also mean the process of imposing a civil penalty under this chapter. References to "uniform infraction" throughout the code other than in certain provisions of Chapter 7 and Chapter 10 shall be deemed to be references to "civil infraction." (Ord. 07-03, Ord. 05-08, Ord. 02-27, Ord. 86-20 §1(Exhibit A(4)), 1986).

1.16.040 Use Of Language.

As used in this chapter, pronouns indicating the masculine gender shall include the feminine gender; singular pronouns shall include the plural; and "person" shall, where appropriate, include any partnership, corporation, unincorporated association, the State of Oregon, or other entity. (Ord. 86-20 §1(Exhibit A(14)), 1986).

1.16.050 Reference To State Law.

Any reference to a state statute incorporates into this chapter by reference the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 86-20 §1(Exhibit A(11)), 1986).

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1.16.060 Culpability - Chapter Provisions Not Exclusive.

1. Acts or omissions to act which are designated as an infraction by any City ordinance do not require a culpable mental state as an element of the infraction.

2. The procedures prescribed by this chapter shall be the exclusive procedures for imposing civil penalties; however, this section shall not be read to prohibit in any way alternative remedies set out in the Tigard Municipal Code which are intended to abate or alleviate code infractions, nor shall the City be prevented from recovering, in any manner prescribed by law, any expense incurred by it in abating or removing ordinance infractions pursuant to any code provision. (Ord. 86-20 §1(Exhibit A(3)), 1986).

1.16.070 Effect Of This Chapter.

1. Citations or complaints issued and filed with the Municipal Court prior to the effective date of the ordinance codified in this chapter shall be processed in accordance with the provisions in effect at the time the complaint was issued.

2. Nothing in this chapter shall be construed as a waiver of any prior assessment, bail or fine ordered by the Municipal Court. (Ord. 86-20 §1(Exhibit A(12)), 1986).

1.16.080 Severability.

The provisions of this chapter are severable. If any section, sentence, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of the chapter. (Ord. 86-20 §1(Exhibit A(13)), 1986).

1.16.090 Reports Of Infractions.

All reports or complaints of infractions covered by this chapter shall be made or referred to an authorized Code Enforcement Officer. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(A)), 1986).

1.16.100 Assessment.

1. Assessment. When an alleged infraction is reported to the Code Enforcement Officer, the Code Enforcement Officer shall review the facts and circumstances surrounding the alleged infraction and if he or she deems it appropriate will proceed with appropriate enforcement actions.

2. Sufficiency of Evidence. The Code Enforcement Officer shall not proceed further with the matter if the Officer determines that there is not sufficient evidence to support the allegation, or if the Officer determines that it is not in the best interest of the City to proceed. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(B)), 1986).

1.16.110 Notice - Validity.

Repealed by Ord. 02-27.

1.16.120 Notice.

Notice of the alleged infraction may be given to the respondent before a civil infraction summons and complaint is issued for an infraction. It is not a prerequisite to the issuance of the summons and complaint, and the giving of notice is at the sole discretion of the Code Enforcement Officer. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(2)), 1986).

1.16.130 Notice - Class 2 And 3 Infractions.

Repealed by Ord. 02-27.

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1.16.140 Time To Remedy Infraction After Notice.

If a Notice of Violation is given to a respondent pursuant to this chapter, the Code Enforcement Officer shall give the respondent a reasonable time to cure or remedy the alleged infraction after the notice is given. The time allowed shall not be less than twenty-four hours, nor more than thirty days. Where there is an extreme hardship, as determined by the Code Enforcement Officer, the Officer may grant additional time to the respondent. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(4)), 1986).

1.16.150 Immediate Remedial Action Required When.

Notwithstanding the remedial time period contained in Section 1.16.140, if the Code Enforcement Officer determines that the alleged infraction presents an immediate danger to the public health, safety or welfare, or that any continuance of the violation would allow the respondent to profit from the violation or would otherwise be offensive to the public at large the Officer may require immediate remedial action. If, in such cases, the Code Enforcement Officer is unable to serve a notice of infraction on the respondent or, if after such service the respondent refuses or is unable to remedy the infraction, the City may proceed to remedy the infraction as provided in Section 1.16.340 of this chapter. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(5)), 1986).

1.16.160 Notice - Methods.

If a Notice of Infraction is given to a respondent pursuant to this chapter, service of such notice may be made as follows:

1. A notice of the alleged infraction may be given to the respondent in person by the Code Enforcement Officer.

2. Notice of the alleged infraction may be given by a telephone call to the respondent. If notice is given in this manner, the respondent may be given, at the Code Enforcement Officer's discretion, a notice of infraction by first class mail sent to his last known address as soon as possible after the initial notice by telephone.

3. A notice of the alleged infraction may be given by mailing to the respondent at his last known address.

4. A notice of the alleged infraction may be given by affixing to the main door of the property or premises. If notice is given in this manner, the Code Enforcement Officer may, at his or her discretion, also provide the respondent with a notice of infraction by mail sent to the respondent's last known address as soon as possible after the initial notice by posting. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(6)), 1986).

1.16.170 Notice - Computation Of Time Period.

1. Where the notice of infraction is delivered in person or by telephone the time period shall begin to run immediately upon such delivery.

2. Where the notice of infraction is mailed to the respondent, for the purposes of computing any time period prescribed by this chapter, notice shall be considered complete three days after such mailing, if the address to which it is mailed is within the state, and seven days after mailing if the address to which it is mailed is outside the state.

3. Where the notice of infraction is affixed to the main door of the property or premises notice shall be considered complete three days after such affixation. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(7)), 1986).

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1.16.180 Notice - Information.

1. The following information shall be included in the notice of infraction if one is given:

a. A description or identification of the activity or condition constituting the alleged infraction, and the identification of the recipient as the respondent;

b. A statement that the Code Enforcement Officer has determined the activity or condition to be an infraction;

c. A statement of the action required to remedy or cure the alleged infraction and the time and date by which the remedy must be completed unless a voluntary compliance agreement is executed;

d. A statement advising the respondent that if the required remedy is not completed within the time specified and the respondent has not entered into a voluntary compliance agreement, a civil infraction summons and complaint will be issued and a forfeiture in the maximum amount provided for the particular infraction may be imposed.

2. The following information may be included in the notice of infraction at the discretion of the Code Enforcement Officer:

An invitation to contact the Code Enforcement Officer to discuss any questions the respondent may have about the alleged violation, the requirements for compliance, and any possibility of entering into a voluntary compliance agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(8)), 1986).

1.16.190 Failure To Respond To Notice.

If notice is given, and the respondent either receives or rejects the notice of infraction and fails

to remedy or cure the alleged infraction within the time specified in the notice of infraction, the Code Enforcement Officer shall serve the respondent with a civil infraction summons and complaint. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(9)), 1986).

1.16.200 Voluntary Compliance Agreement.

1. Effect of Agreement.

a. The Code Enforcement Officer may enter into a voluntary compliance agreement with the respondent. The agreement shall include time limits for compliance and shall be binding on the respondent.

b. The fact that a person alleged to have committed a civil infraction enters into a voluntary compliance agreement shall not be considered an admission of having committed the infraction for any purpose.

c. The City shall abate further processing of the alleged infraction during the time allowed in the voluntary compliance agreement for the completion of the necessary corrective action. The City shall take no further action concerning the alleged violation if all terms of the voluntary compliance agreement are satisfied, other than steps necessary to terminate the enforcement action.

2. Failure to Comply with Agreement. The failure to comply with any term of the voluntary compliance agreement constitutes an additional and separate infraction, and shall be handled in accordance with the procedures established by this chapter, except that after the voluntary compliance agreement has been signed no further notice need be given before a civil infraction summons and complaint is issued. The City may also proceed on the alleged infraction that gave rise to the voluntary compliance agreement. (Ord.

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02-27, Ord. 86-20 §1(Exhibit A(5)(C)(10)), 1986).

1.16.210 Civil Infraction Summons And Complaint - Timing.

A civil infraction summons and complaint may be served on the respondent:

1. Immediately upon discovery of the infraction;

2. Where a notice of infraction is given and the response period in the violation notification has expired; or

3. Where a voluntary compliance agreement has been executed, whether verbal or written, when the period for compliance has expired and the infraction has not been cured. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(D)(1)), 1986) .

1.16.220 Civil Infraction Summons And Complaint - Process Requirements.

1. The physical form taken by a civil infraction summons and complaint is not material. What is material is the substance, the information contained therein. The City may utilize various physical formats for the summons and complaint. A “long form” and a “short form” are specifically authorized but other formats may be used. The state uniform citation may be used. Any form prepared by the City should normally contain or solicit the following information, but no complaint or summons shall be considered invalid for failure to comply with these rules, so long as the basic information regarding the infraction and the court date is included.

2. The civil infractions summons and complaint shall contain the following information:

a. The name and address of the respondent;

b. A description of the infraction that can be understood by a person making a reasonable effort to do so;

c. The date, time, and place at which the infraction is alleged to have been committed. If the infraction is alleged to be ongoing, the civil, infractions summons and complaint shall so state and shall list a date on which the infraction was observed;

d. A file or reference number;

e. The date the civil infraction summons and complaint was issued;

f. The name of the Code Enforcement Officer issuing the citation;

g. The time, date, and location at which the respondent is to appear in court;

h. A notice that a complaint based on the violation will be filed with the Court;

i. The amount of the maximum civil penalty for the infraction;

j. An explanation of the respondent’s obligation to appear at the hearing and that a monetary judgment may be entered for up to the maximum penalties if the respondent fails to make all required court appearances;

k. A space wherein the respondent may admit having committed the alleged infraction;

l. The time period for returning the form to the Court;

m. A notice that, if the respondent

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admits having committed the infraction as charged, payment, in the amount shown on the summons and complaint or as agreed with the Code Enforcement Officer pursuant to 1.16.420 of this chapter, as may be appropriate, must accompany the admission; and

n. A form of verification that the person signing the complaint swears that the person has reasonable grounds to believe, and does so believe, that the respondent committed the alleged infraction. (Ord. 02-27, Ord. 86-41 §§1 - 4, 1986; Ord. 86-35 §§1 - 4, 1986; Ord. 86-20 §1(Exhibit A(5)(D)(2)), 1986).

1.16.230 Civil Infraction Summons And Complaint-Service - Failure To Receive - Default.

1. Service of the civil infraction summons and complaint may be made by personal service on the respondent or an agent for the respondent, by substitute service at the respondent's dwelling or office; by affixing to the main door of the property or premises, or by certified mail, return receipt requested, to the respondent at his last known address. In the event of substitute service at the respondent's dwelling, the person served must be at least fourteen years of age and residing in the respondent's place of abode. Service at the respondent's office, must be made during regular business hours to the person who is apparently in charge. If substitute service is used, a true copy of the summons and complaint, together with a statement of the date, time and place at which service was made, must be mailed to the respondent at the respondent's last known address. Service will be considered complete upon such a mailing. Service by any other method reasonably calculated, under all the circumstances, to apprise the respondent of the existence and pendency of the infraction and to afford a reasonable opportunity to respond shall be acceptable.

2. Service on particular respondents, such

as minors, incapacitated persons, corporations, limited partnerships, the state, other public bodies and general partnerships shall be as prescribed for the service of a civil summons and complaint by the Oregon Rules of Civil Procedure.

3. No default shall be entered against any respondent without proof that the respondent had notice of the civil infraction summons and complaint. A sworn affidavit of the Code Enforcement Officer outlining the method of service, including the date, time and place of service shall create a rebuttable presumption that the respondent had such notice. (Ord. 02-27, Ord. 89-21 §1, 1989; Ord. 86-20 §1(Exhibit A(5)(D)(3)), 1986).

1.16.240 Civil Infractions Summons And Complaint - Respondent's Response Required.

1. Response Required. A respondent served with a civil infraction summons and complaint shall respond to the complaint by personally appearing at the scheduled first appearance or by making a written response by mail or personal delivery to the Court.

2. Admission. If the respondent admits the infraction, the respondent may so indicate on the summons and forward the form to the Court. Payment in the amount of the civil penalty for the infraction, as shown on the summons or as agreed with the Code Enforcement Officer pursuant to section 1.16.420 of this chapter, shall be submitted with the response. An appropriate findings shall be entered in the records of the Civil Infraction Hearings Officer indicating the receipt of the civil penalty.

3. First Appearance. If the respondent does not admit the infraction, the respondent must appear at the scheduled first appearance. At the first appearance, the respondent may deny the infraction and request a hearing, admit the

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infraction, or not contest the infraction. If the respondent either admits or does not contest the infraction the respondent shall be given the opportunity to provide a statement. Based on the statement provided by the respondent and any additional information provided by the Code Enforcement Officer, the Civil Infractions Hearings Officer shall impose a penalty not to exceed the maximum penalty allowed for the infraction. If the respondent requests a hearing a hearing shall be scheduled. (Ord. 02-27, Ord. 86-41 §5, 1986; Ord. 86-35 §5, 1986; Ord. 86-20 §1(Exhibit A(5)(E)), 1986).

1.16.250 No Right To Jury.

Any hearing to determine whether an infraction has been committed shall be held before the Civil Infraction Hearings Officer without a jury. (Ord. 86-20 §1(Exhibit A(5)(F)(1)), 1986).

1.16.260 Representation By Counsel.

The respondent may be represented by legal counsel; however, legal counsel shall not be provided at public expense. Written notice shall be provided to the Hearings Officer and Code Enforcement Officer no later than five days prior to any appearance by legal counsel at an appearance or hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(2)), 1986).

1.16.270 Opportunity To Be Heard - Cross-Examination.

At a hearing a respondent shall have the right to present evidence and witnesses in the respondent's favor, to cross-examine any witnesses who testify against the respondent, and to submit rebuttal evidence. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(3)), 1986).

1.16.280 Witnesses.

1. The respondent may request that

witnesses be ordered by subpoena to appear at the hearing. The respondent shall make such request in writing to the Court at least five days prior to the scheduled hearing.

2. Subject to the same five-day limitation, the Code Enforcement Officer, the citizen who signed the complaint, or the City Attorney, as appropriate, may also request in writing that the Court order certain witnesses to appear by subpoena. If a civil penalty is declared in the final order, the order shall also provide that the respondent shall pay any witness fees payable in connection with the hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(4)), 1986).

1.16.290 Hearing - Admissible Evidence.

1. Admissible Evidence.

- a. Relevant Evidence. The hearing shall be limited to production of evidence only on the infraction alleged in the complaint.

- b. Oral Evidence. Oral evidence shall be taken only upon oath or affirmation administered by the Civil Infractions Hearings Officer.

- c. Admissibility of Evidence. Evidence shall be admitted if it is of the type which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might render such evidence inadmissible in civil actions in courts of competent jurisdiction in this state.

- d. Exclusion of Evidence. Irrelevant or unduly repetitions evidence shall be excluded.

2. Burden of Proof. The complainant or, if the City is the complainant, the Code Enforcement Officer, shall have the burden of proving the alleged civil infraction by a preponderance of the

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evidence. (Ord. 86-20 §1(Exhibit A(5)(F)(5) and (6)), 1986).

1.16.300 Hearing - Decision By Hearings Officer.

The Hearings Officer shall determine if the respondent committed the infraction as alleged in the complaint. When the infraction has not been proven, a written order dismissing the complaint shall be entered in the Court records. When the Hearings Officer finds that the infraction was committed, written findings shall be prepared which set out sufficient information to substantiate the commission of the infraction. Written orders, including findings, shall be prepared within ten working days of the oral decision. The Court shall serve true copies of the Hearings Officer's findings, order and judgment on all parties, either personally or by mail. (Ord. 02-27, Ord. 89-21 §2, 1989; Ord. 86-20 §1(Exhibit A(5)(F)(7)), 1986).

1.16.305 Civil Penalty - Abatement Requirements.

Upon a finding that the infraction was committed by the respondent, the Hearings Officer may require the respondent to abate the ordinance infraction within a specified time period identified in the final order. (Ord. 89-21 §3, 1989).

1.16.310 Civil Penalty - Assessment Of Fees.

Upon a finding that the infraction was committed by the respondent, the Hearings Officer may assess a civil penalty pursuant to Sections 1.16.380 through 1.16.420 of this chapter, plus hearing costs and witness fees, if any. (Ord. 86-20 §1(Exhibit A(5)(F)(8)), 1986).

1.16.320 Hearing--Records.

The Court shall maintain a record of the hearing proceedings. A mechanical recording of the hearing, accompanied by any written documents, correspondence or physical evidence associated with the matter, shall be sufficient to meet the requirements of this section. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(9)), 1986).

1.16.330 Finality Of Decision - Appeals.

The determination of the Hearings Officer shall be final. Review of the Hearing Officer's determination shall be to the circuit court by writ of review, pursuant to Chapter 34 of the Oregon Revised Statutes. (Ord. 86-20 §1(Exhibit A(5)(F)(10)), 1986).

1.16.340 Remedial Action By City - Costs.

1. Upon finding that an infraction was committed, as determined by a final decision of the Hearings Officer, the City may, after obtaining a warrant to enter the property and abate the infraction, remedy the infraction and charge the remedial costs back to the respondent. For the purposes of this subsection "a final decision of the Hearings Officer" means a final decision for which judicial review was not sought within the time allowed by law or a decision of the Hearings Officer that was upheld by a final decision in the judicial review and appeal process.

2. In the case of an immediate danger to the public health, safety or welfare declared under Section 1.16.150 of this code, the City may remedy the infraction and charge the remedial cost back to the respondent, after obtaining a warrant to enter the property and abate the infraction. If the immediate danger constitutes an emergency threatening immediate death or physical injury to persons, the City may abate the infraction without obtaining a warrant if the delay

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associated with obtaining the warrant would result in increased risk of death or injury, and may charge the remedial costs back to the respondent.

3. The Code Enforcement Officer shall have the right at reasonable times to enter into or upon property in accordance with law to investigate or to remedy the infraction. This provision does not authorize a warrantless entry when a warrant is required by state or federal law.

4. The Finance Officer shall keep an accurate record of all costs incurred by the City in remedying the infraction. The Finance Officer shall notify the respondent by certified mail, return receipt requested, of these costs, and advise the respondent that the costs will be assessed to and become a lien against the respondent's property if not paid within thirty days of the notice, and shall further notify the respondent that the respondent is entitled to a hearing to contest the amount of the costs to be assessed.

5. The respondent shall be entitled to request a hearing to consider the amount of the costs assessed to remedy the alleged infraction. That hearing shall be conducted pursuant to the procedures established in Sections 1.16.250 through 1.16.330 of this chapter.

6. If the remedial costs are not paid, the Finance Officer shall follow the procedures for lien filing and docketing as contained in Section 1.16.370 of this chapter. (Ord. 02-27, Ord. 99-01; Ord. 86-20 a71(Exhibit A(6)), 1986).

1.16.350 Default Judgment.

Subject to the limitations set forth in Section 1.16.230.3, a default judgment shall be entered in an amount up to the maximum civil penalty applicable to the charged infraction if the respondent fails to appear at the scheduled hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(7)), 1986).

1.16.360 Enforcement - Rules And Regulations.

The Code Enforcement Officer is authorized to promulgate any rules he or she considers necessary to enforce this chapter. To be effective, such rules must be approved by the City Council by resolution. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(10)), 1986).

1.16.370 Lien Filing And Docketing.

1. When a judgment is rendered by the Hearings Officer in favor of the City for the sum of ten dollars or more, exclusive of costs and disbursements, the Code Enforcement Officer shall, at any time thereafter while the judgment is enforceable, file with the City Finance Officer a certified transcript of all those entries made in the docket of the Hearings Officer with respect to the action in which the judgment was entered.

2. Upon receipt of this transcript, the Finance Officer shall enter the judgment of the Hearings Officer on the City's lien docket.

3. From the time of entry of the judgment on the City's lien docket, the judgment shall be a lien upon the real property of the person against whom the judgment was entered in the hearing. Except as provided in 1.16.370.4 of this section, entry of the judgment in the City's lien docket shall not thereby extend the lien of the judgment more than ten years from the original entry of the judgment at the hearing.

4. Whenever a judgment of the Hearings Officer which has been entered pursuant to this subsection is renewed by the Hearings Officer, the lien established by 1.16.370.3 of this section is automatically extended ten years from the date of the renewal order.

5. The Finance Officer shall file the transcript of the judgment with the Washington

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County Clerk for entry in the judgment docket of the circuit court. All costs associated with the filing of the transcript shall be added to the amount of the judgment. (Ord. 86-20 §1(Exhibit A(9)), 1986).

1.16.380 Continuous Infractions.

When an infraction is of continuous nature, unless otherwise specifically provided, a separate infraction shall be deemed to occur on each calendar day the infraction continues to exist. (Ord. 86-20 §1(Exhibit A(8)(A)), 1986).

1.16.385 Failure To Comply With Judgment Order.

Failure to abate an infraction or pay the civil penalty or court costs imposed within the time allowed for abatement or payment shall constitute a Class 1 civil infraction. Failure to comply with a judgment order is a continuous infraction and a separate infraction will be deemed to occur each calendar day the failure to comply infraction continues to exist past the time allowed in the judgment order. (Ord. 89-21 §4, 1989).

1.16.390 Penalty - Payment Due When.

Any civil penalty assessed shall be paid no later than thirty days after the final order. Such period may be extended upon order of the Hearings Officer. (Ord. 86-20 §1(Exhibit A(8)(B)), 1986).

1.16.400 Penalty - Classifications.

For the purpose of determining civil penalties, infractions are classified in the following categories:

1. Class 1 infractions;
2. Class 2 infractions;

3. Class 3 infractions. (Ord. 86-20 §1(Exhibit A(8)(C)), 1986).

1.16.410 Penalty--Assessment.

The civil penalty to be assessed for a specific infraction shall be as follows:

1. For Class 1 infractions, an amount not to exceed two hundred fifty dollars;
2. For Class 2 infractions, an amount not to exceed one hundred fifty dollars;
3. For Class 3 infractions, an amount not to exceed fifty dollars. (Ord. 86-20 §1(Exhibit A(8)(D)), 1986).

1.16.415 Penalty -- Repeat Violations.

The maximum amounts of the civil penalties set forth in section 1.16.410 above shall be doubled in the event that the respondent is found in violation of a second and similar violation within 24-months of the initial violation and quadrupled in the event of a third or subsequent repetition within 24-months of the initial violation. (Ord. 02-27).

1.16.420 Penalty -- Prior to Hearing.

The Code Enforcement Officer is authorized to reduce the amount of the penalty to be paid by the respondent, if the penalty amount is paid in full on or before the time and date of the first appearance. (Ord. 02-27).

1.16.425 Delinquent Civil Penalties.

Delinquent civil penalties and those imposed by default judgment which were assessed for infractions may, in addition to any other method, be collected or enforced pursuant to Oregon Revised Statutes 30.310. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(8)(E)), 1986).■